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INTELLECTUAL PROPERTY LAW

DATE: September 4, 2007

FILE # 04703/0203798-US0

FACSIMILE NO.	RECIPIENT AND COMPANY	CONFIRMATION WILL FOLLOW
571-273-0459	PCT Legal Dept Patent & Trademark Office	No

FROM: Julian A. Williams

E-MAIL: [jwilliams@darbylaw.com](mailto:jwilliams@darbylaw.com)

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NO. OF PAGES: 10  
(including cover page)

COMMENTS: 3<sup>rd</sup> Request for Corrected Filing Receipt. Please Correct the filing Date on the Filing Receipt as well as the Filing Date on the Notice of Acceptance.

**PLEASE RETURN TO JULIAN A. WILLIAMS**

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I hereby certify that on the date indicated below, this paper was deposited with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

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Customer No.: 07278

Docket No.: 04703/0203798-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Naoyuki Yamamoto et. al.

Serial No.: 10/566,057

**Filed: February 2, 2007**

For: BIOLOGICALLY NON-DEGRADABLE PEPTIDES, ANGIOTENSIN CONVERTING  
ENZYME INHIBITOR, DRUG AND FUNCTIONAL FOOD

**REQUEST FOR CORRECTED FILING RECEIPT**  
**AND NOTICE OF ACCEPTANCE**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Sir:**

1. Attached are copies of the official filing receipt and Notice of Acceptance received from the PTO in the above application for which issuance of a corrected filing receipt and Notice of Acceptance is respectfully requested.
2. There is an error with respect to the following data, which is:  

☒ incorrectly entered  
☐ omitted.

and/or

**Error in****Omitted data**

- ☐ Applicant's name
- ☐ Applicant's address
- ☐ Title
- ☒ Filing Date
- ☐ Application Number
- ☐ Domestic Priority data as claimed by applicant
- ☐ Notice of Acceptance - Priority Date

**02/02/2007****REMARKS**

The from the Filing Receipt and Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495. Enclosed please find a copy of the Decision on Petition.

Marked up copies of the Filing Receipt and Notice of Acceptance are also enclosed.

The Commissioner is respectfully requested to issue new and correct Filing Receipt and Notice of Acceptance documents.

Respectfully submitted,

Dated: March 22, 2007



Flynn Barrison  
Reg. No. 53,970  
Agent for Applicant(s)

DARBY & DARBY P.C.  
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/566,057	01/25/2006	1653	1030	04703/0203798-US0	4	2

CONFIRMATION NO. 2082

7278

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NEW YORK, NY 10150-5257

## FILING RECEIPT



\*OC000000022621634\*

Date Mailed: 03/05/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Naoyuki Yamamoto, Sagamihara-shi, JAPAN;  
Seiichi Mizuno, Machida-shi, JAPAN;  
Shingo Nishimura, Yosa-gun, JAPAN, Deceased;  
Hideo Nishimura, Kyoto, JAPAN, Legal Representative;  
Takanobu Gotou, Machida-shi, JAPAN;  
Keiichi Matsuura, Mitaka-shi, JAPAN;

## Assignment For Published Patent Application

Calpis Co., Ltd., Shibuya-ku, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **07278**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/10929 07/30/2004

## Foreign Applications

JAPAN 2003-285007 08/01/2003

Computer

D&amp;D Entry

Looseleaf

Folder

Card

Letter

Foreign Flg.

If Required, Foreign Filing License Granted: 02/22/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/566,057**

Projected Publication Date: 05/31/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Biologically non-degradable peptides, angiotensin converting enzyme inhibitor, drug and functional food

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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J. Williams

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,057	Naoyuki Yamamoto	04703/0203798-US0

INTERNATIONAL APPLICATION NO.

PCT/JP04/10929

I.A. FILING DATE

07/30/2004

PRIORITY DATE

08/01/2003

7278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

CONFIRMATION NO. 2082

371 ACCEPTANCE LETTER



\*OC000000022621635\*

Date Mailed: 03/05/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

01/25/2006 ← <i>ERROR?</i>	09/12/2006
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/25/2006
- Copy of the International Search Report filed on 01/25/2006
- Information Disclosure Statements filed on 01/25/2006
- Oath or Declaration filed on 01/25/2006
- U.S. Basic National Fees filed on 01/25/2006
- Power of Attorney filed on 01/25/2006
- Non-English Language Application filed on 01/25/2006
- Specification filed on 01/25/2006
- Claims filed on 01/25/2006
- Abstracts filed on 01/25/2006
- Drawings filed on 01/25/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/903 (371 Acceptance Notice)



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TO: T. Burrows  
A. 712345678  
DATE: \_\_\_\_\_

In re Application of  
YAMAMOTO, et al.  
Application No.: 10/566,057  
PCT No.: PCT/JP04/10929  
Int. Filing Date: 30 July 2004  
Priority Date: 01 August 2003  
Attorney Docket No.: 04703/0203798-US0  
For: BIOLOGICALLY NON-DEGRADABLE  
PEPTIDES, ANGIOTENSIN  
CONVERTING ENZYME INHIBITOR,  
DRUG AND FUNCTIONAL FOOD

## DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision is in response to the applicant's declaration filed 02 February 2007 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is due.

**BACKGROUND**

On 30 July 2004, applicant filed international application PCT/JP04/10929, which claimed priority to an earlier application filed 01 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 February 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 01 February 2006.

On 25 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an Information Disclosure Statement.

On 12 September 2006, applicant filed an executed combined declaration and power of attorney.

On 02 February 2007, applicant filed a supplemental combined declaration and power of attorney.

**DISCUSSION**

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator,

Application No.: 10/566,057

2

etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Applicant's originally filed declaration of 12 September 2006 was non-compliant under 37 CFR 1.497(b) as it did not provide the citizenship, residence, and mailing address of both the deceased inventor and the legal representative. Applicant has presently provided a newly executed declaration which provide all of the required information for both the deceased inventor, Shingo Nishimura and the legal representative, Hideo Nishimura. Therefore, it is appropriate to grant applicant's petition at this time.

### CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 30 July 2004 and will be given a date of **02 February 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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